41. The need for promulgating rules under the Game and Fish Protection Regulation.

Mr. A. J. Wright (Member, Kannan Devan Planters' Association) said that he had once more to bring before the Assembly the subject of adequate provision for the preservation of game (animals, birds and fish), particularly in the High Range, that portion comprised in the estates under his Association. Rules for the regulation of hunting, shooting, fishing, etc., within the limits of reserved forests and of lands at the disposal of Government though not included in reserved forests, were enacted in 1913 under Regulation II of 1068 as amended by Regulations IV of 1071 and IX of 1085 and again amended in 1914, which seemed to afford the required protection in those areas. Large tracts of country did not come under the areas so dealt with. To extend the necessary protection to them also, Regulation XII of 1089 was enacted and amended by Regulation VI of 1091 and it became operative by Notification with effect from the 1st Vrischigam 1091. All material details, however, were left to be supplied in the form of rules to be framed under the various clauses of the Regulation. But up to the present time, no rules had been promulgated, though the attention of Government had been drawn to that fact annually at the Assembly. He understood that the draft rules had been under the consideration of the departments concerned, but regretted that the rules had not been published. The most important point was the difficulty of administering such rules once they had been enacted. To meet it, the Member suggested some years ago that a duly constituted Game Committee of his Association might be given the necessary powers to supervise the working and enforcement of the rules. In putting forward the suggestion, his Association did not seek any unconstitutional powers but simply placed themselves at the disposal of Government in the hope of forwarding the work in which they were keenly interested. The Planters were ready and willing to consider any suggestion as to the scope and method of the control Government might deem fit to make to safeguard their interests.

Dewan's reply.—The Additional Head Sirkar Vakil has been asked to draft a set of rules under sections 6 and 19 of the Game and Fish Protection Regulation, XII of 1089, to regulate the protection of game other than fish. The constitution of Game Committees is under reference to the Dewan Peishkars, and the Commissioner, Devicolam, who are being asked to propose a Committee for each Revenue Division.

42. Separation of Executive and Judicial functions.

Mr. C. Raman Tampi B. A., B. L. (Member, Quilon taluk) said that the subject had been before Government for some time. His representation of 1085 was sent for the opinions of the Dewan Peishkars and District Magistrates and the result was the appointment of a few Stationary Magistrates. The time had come to take a bolder step in the light of the experience gained. The present system of clubbing the two functions in one and the same officer was fraught with many evils. Neither the Magisterial nor the Land Revenue work was being efficiently or satisfactorily done. The collection of land revenue required the Tahsildars to frequently tour about which meant that the clients, witnesses, vakils, &c., had to accompany them in their camps. Similarly, the Dewan Peishkars too had a variety of duties which left them little time to attend to magisterial work. The work of administration of criminal justice consequently suffered in efficiency. The inspection of Criminal Courts was never done efficiently, as the District Magistrates had no time and the inspection by the High Court was carried out at distant intervals once in an year and as such was not effective. The public suffered most, as the Tahsildar-Magistrates were often prone to decline to receive complaints presented, especially in the quarter months. If the complete separation of the two functions was not feasible on account of want of funds, the Member suggested the following proposals as an alternative :—

(1) The number of Stationary Magistrates should be increased.

(2) Instead of having only one Division First Class Magistrate, each Division may be divided into two, three or four groups (according to area) of taluks and First

LIBRARY ARCHIVES Kerala Legislative Assembly

Class Magistrates appointed for each group. Such a step would avoid the present inconvenience of transferring cases from the file of Division First Class Magistrates to other First Class Magistrates.

(3) All appeals from every grade of Magistrates should be heard by the District Magistrates, as that would reduce the work of District and Sessions Judges who, in addition to their own work, had now to hear land acquisition reference cases, petitions in insolvency cases, succession certificate applications, and revision cases against the decisions of the Village Panchayat Courts.

(4) Provision might be made for appeals being filed in the Courts of the First Class Magistrates themselves instead of such appeals being filed in the Courts of the District Magistrates and then transferred to the First Class Magistrates.

Dewan's reply.—Noted.

43. Need for the establishment of a First Class Magistrate's Court at Attungal.

Mr. K. N. Krishnan Poti (Member, T. I. C., Attungal) described the inconvenience and hardship to which the inhabitants of the Chirayinkil taluk were put for want of a First Class Magistrate's Court and submitted that, even if the number of Police cases charged by the Chirayinkil Police in the Trivandrum First Class Magistrate's Court were taken into account, their prayer was entitled to favourable consideration. He gave a detailed statement of distances from each *pakuthi* in the Chirayinkil taluk to the Stationary Magistrate's Court at Warkalay and also to the Tahsildar-Magistrate's Court at Attungal and suggested any of the following courses being adopted :—

(1) That the Court at Attungal be made a First Class Magistrate's Court and the Warkalay court shifted to Attungal and constituted as the Town Stationary Magistrate's Court.

(2) That the Magisterial jurisdiction of the Warkalay Magistrate be confined to the five *pakuthies* in close proximity to it and the jurisdiction over the remaining 26 *pakuthies* of the taluk transferred to the Taluk Magistrate at Attungal.

Dewan's reply.—Noted.

44. Need for the establishment of a First Class Magistrate's Court and a Munsiff's Court at Changanacherry.

Mr. M. A. Navurkani Rowther (Member, Nominated) submitted his prayer and in doing so said that his representation for a Munsiff's Court was an old one. He then detailed the inconveniences borne by the litigant public of his taluk. He also explained the necessity for a First Class Magistrate's Court at Changanacherry and added that, on some occasions, their Tahsildar-Magistrates had been invested with the powers of a First Class Magistrate.

Dewan's reply.—With regard to the opening of a Munsiff's Court at Changanacherry, orders have been issued for shifting one of the Munsiff's Courts at Tiruvalla to Changanacherry. The High Court have been addressed in the matter of settling the territorial jurisdiction. The new court would probably be opened soon after the mid-summer vacation. The other representation is noted.

45. Difficulties experienced by litigants in Civil Courts and the means of removing them.

Mr. Narayanar Janardanar (Member, Jenmi, Trivandrum Division) said that the litigant public experienced many difficulties in the Civil Courts and through Vakils and their clerks; and he proceeded to enumerate a few of them.

(1) The Vakils' clerks often received moneys from clients in excess of actual requirements, credited in the Vakils' accounts only so much as was necessary for immediate payment into court and pocketed the balance. As a result, the clients suffered in a variety of ways. He suggested a ruling that, on each occasion the client paid money to a Vakil's clerk, a receipt attested by the Vakil should be passed for the amount paid and that a duplicate of the receipt should be preserved by the Vakil duly attested by him.

LIBRARY ARCHIVES Kerala Legislative Assembly